

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

**Greg Watson,
Karen Watson
Thomas Hinely
Jacqueline Hinely**

Plaintiffs,

vs.

Fisher Controls International, LLC,

Defendant.

) Case No.: 9:04-21987-CWH

) Case No.: 9:04-22468-CWH

) Case No.: 9:04-21989-CWH

) Case No.: 9:04-22469-CWH

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ORDER

This matter is before the Court on the defendant's renewed motion, pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, for a judgment as a matter of law. The defendant filed the motion upon completion of a jury trial which ended in mistrial.

The defendant alleges that the plaintiffs fail to present sufficient evidence supporting the strict liability failure to warn claim and that the strict liability failure to warn claim is barred by the sophisticated user and assumption of risk defenses. During the trial, the defendant made similar motions after the close of the plaintiffs' case and again after the close of the defendant's case. The Court denied both motions because the plaintiffs provided sufficient evidence to present the strict liability failure to warn claim to the jury. Trial Tr. vol. IV, 450-452, June 7, 2006, and Trial Tr. vol. VI, 789, June 12, 2006. For the same reason, the Court denies the defendant's current motion.

AND IT IS SO ORDERED.



October 16, 2006
Charleston, South Carolina

**C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE**